REMARKS

By this amendment, claims 1-5 and 17 have been amended. This amendment is made to even more clearly recite the claimed invention, does not add prohibited new matter and is fully supported by the specification. Reconsideration and withdrawal of the rejections set forth in the outstanding Office Action are respectfully requested in view of the following remarks.

Rejections under 35 U.S.C. § 103(a)

In the outstanding Official Action, the Examiner rejected all of pending claims 1-19 under 35 U.S.C. § 103(a) as being unpatentable over EGLI et al., (U.S. Patent Application Publication No. 2003/0110234, hereinafter "EGLI") in view of VETRO (U.S. Patent Application Publication No. 2003/0156108, hereinafter "VETRO"). Applicants respectfully traverse the grounds of the rejection.

According to the present invention, a client sends a URL to a server and the server finds information of the client by using the URL information (i.e., type of client, and the kind of data, such as, for example, MPEG-2, MPEG-4 data that the client can use). Then, the server sends data to the client which is able to be used by the client. For example, the client sends a URL to a server. Using the URL, the server determines that the client can only use MPEG-2 data. Thus, the server sends data formatted as MPEG-2 data.

In contrast, EGLI discloses that a client sends HTTP information to a server and the server sends data to the client which is adjusted. Similarly, VETRO discloses that a server sends data to client and then the client converts the received data to data that is useable by the client.

However, in the claimed invention, the client sends only URL data to a server, "the URL comprising an address at which only capability information of the second terminal is recorded"

with the server accessing the client through the URL, as recited in the claims. Thus, the server is able to efficiently and effectively send information to the client using the URL. Neither EGLI nor VETRO discloses or suggests "a data distribution request receiver that receives a distribution request for data in a format configured for the second terminal and that receives a URL, the URL comprising an address at which only capability information of the second terminal is recorded, the URL being transmitted from the second terminal," as recited in the claims (using claim 1 as a non-limiting example).

Due to the combination of elements of the claimed invention, terminals having a sufficiently-described structured DIA description can access and select the contents of different formats, and can use another application to extend the usability of the contents. Furthermore, a server or a gateway constructed by the DIA description of a defined structure can select adaptation tools to convert content from one format to another, to match with the required format by a terminal. Based on the teachings of EGLI and VETRO, Applicants submit that one skilled in the art would not be able to arrive at the claimed invention, or achieve the aforementioned advantages of the claimed invention.

In setting forth the rejection, the Examiner asserts that the use of HTTP information in ELGI is equivalent to the claimed URL data (*see* page 2 of the outstanding Office Action). As discussed above, the address to which the claimed URL points records "only capability information of the second terminal." In contrast, the HTTP information in EGLI is a path to a full format multimedia media object. Therefore, not only is the information stored at the URL address completely different, the objective of the invention in EGLI is completely different. The HTTP information in EGLI is intended to only provide a modified URL address where the client device may retrieve a full format multimedia media object. Thus, if one skilled in the art were to

modify the HTTP information, disclosed in EGLI, to point to an address which only provides capability information (as in the claimed invention), the system in EGLI would not operate for its intended purpose. Such a system would be inoperable. As indicated in Section 2143.01 of the MPEP, "[i]f [a] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Thus, Applicants submit that the rejection under 35 U.S.C. § 103 is improper because the proposed modification to EGLI would render the art unsatisfactory for its intended purpose. For at least these reasons, Applicants submit that EGLI and VETRO (alone or in any proper combination) do not disclose or render obvious all of the elements of the claimed invention, and respectfully request withdrawal of the rejections.

Accordingly, Applicants respectfully request reconsideration of the outstanding rejection together with an indication of the allowability of the claims pending herein, in due course. Such action is respectfully requested and is now believed to be appropriate and proper.

As the amendments to claims 1-5 and 17 only clarify an element of the claims, Applicants submit that the amendments do not warrant additional searching. Indeed, Applicants realize that it is within the discretion to enter any amendments made after a Final Office Action. However, due to the nature of the amendments to the claims, Applicants respectfully request that the Examiner enter the current amendments.

SUMMARY AND CONCLUSION

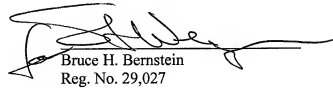
In view of the foregoing, it is submitted that the Examiner's rejections should be withdrawn. Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested are now believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejections is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

If the Examiner has any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Sheng Mei SHEN et al.



Bruce H. Bernstein
Reg. No. 29,027

Steven Wegman
Reg. No. 31,438

August 4, 2008
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191